

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of GARY W. SCHRADER and U.S. POSTAL SERVICE,
MOUNT AIRY POST OFFICE, Philadelphia, PA

*Docket No. 00-1433; Submitted on the Record;
Issued April 18, 2001*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
PRISCILLA ANNE SCHWAB

The issue is whether appellant sustained an emotional condition in the performance of duty.

On July 7, 1998 appellant, then 41 years old, filed a claim for an acute stress disorder that he attributed to the "constant responsibilities of supervision." The employing establishment reported that appellant was detailed to a supervisory position but on April 29, 1998 was instructed to return to his position as a letter carrier. In a statement dated July 30, 1998, appellant described the incidents and conditions of his employment to which he attributed his emotional condition.

By decision dated February 1, 1999, the Office of Workers' Compensation Programs found that four of the incidents or conditions cited by appellant were factually correct and occurred in the performance of duty. The Office found that the medical evidence failed to demonstrate that appellant's stress-related condition was the result of his temporary assignment. Appellant requested a hearing, which was held on July 28, 1999.

By decision dated December 15, 1999, an Office hearing representative found that the Office properly made findings of fact regarding which employment incidents were deemed to have occurred and were compensable factors of employment under the Act and which were not. The Office hearing representative found the medical evidence insufficient to establish causal relation because none of the medical reports provided detailed and specific references of stress-related employment factors as alleged by appellant.

The Board finds that appellant has not established that he sustained an emotional condition in the performance of duty.

Workers' compensation law does not apply to each and every injury or illness that is somehow related to an employee's employment. There are situations where an injury or an illness has some connection with the employment but nevertheless does not come within the

concept or coverage of workers' compensation. Where the disability results from an employee's emotional reaction to his regular or specially assigned work duties or to a requirement imposed by the employment, the disability comes within the coverage of the Federal Employees' Compensation Act.¹ On the other hand, the disability is not covered where it results from such factors as an employee's fear of a reduction-in-force or his frustration from not being permitted to work in a particular environment or to hold a particular position.²

In this case, the Office found that appellant had established four compensable factors of employment. The Board finds that appellant's testimony at the July 28, 1999 hearing establishes a compensable factor not found by the Office. Appellant testified that the numerous duties, which he had to complete by a 9:00 a.m. deadline each workday, caused him stress. The Board has held that emotional reactions to situations in which an employee is trying to meet the requirements of his or her position are compensable.³

Appellant's burden of proof, however, is not met by the fact that he has established employment factors which may give rise to a compensable disability under the Act. Appellant must also submit rationalized medical evidence establishing that his emotional or psychiatric disorder is causally related and accepted as compensable employment factors.

The only medical evidence appellant submitted was an August 26, 1999 report from Dr. Neville Kotwal, a Board-certified psychiatrist.⁴ Dr. Kotwal stated that appellant was under his care for an acute stress disorder in the summer of 1998, and that "the patient stated that his stress was due to working at the [employing establishment]. I was unable to determine the cause of stress because I was not at his workplace to observe the stress he reported." This report is insufficient to meet appellant's burden of proof because it does not contain a definite statement that appellant's emotional condition was related to factors of his employment or a history of specific incidents and conditions of employment to which appellant attributes his condition.⁵

¹ 5 U.S.C. §§ 8101-8193.

² *Lillian Cutler*, 28 ECAB 125 (1976).

³ *Anne L. Livermore*, 46 ECAB 425 (1995); *Joseph A. Antal*, 34 ECAB 608 (1983).

⁴ Reports appellant submitted from a social worker who provided counseling are not considered competent medical opinion evidence to support a claim, because a social worker is not considered a "physician" within the meaning of section 8101(2) of the Act. *Joe L. Wilkerson*, 47 ECAB 604 (1996).

⁵ See *Judith Montage*, 48 ECAB 292 (1997).

The decision of the Office of Workers' Compensation Programs dated December 15, 1999 is affirmed.

Dated, Washington, DC
April 18, 2001

David S. Gerson
Member

Willie T.C. Thomas
Member

Priscilla Anne Schwab
Alternate Member